

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-2328 of 2024
[Aamir v. Federation of Pakistan and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Before;
Mr. Justice Yousuf Ali Sayeed;
Mr. Justice Abdul Hamid Bhurgri.

- 1. For orders as to non-prosecution CMA No.16010/24.
- 2. For hearing of CMA No.10613/24.
- 3. For hearing of main case.

Date of hearing:- 07.10.2025

Mr. Muhammad Imran, Advocate for the petitioner.
Mr. Bashir Hussain Shah, Assistant Attorney General.
Mr. K.A Vaswani, Assistant Advocate General Sindh.
Mr. Munsif Jan, Advocate for the applicant/intervener.
Mr. Muhammad Akram Tariq, Advocate for respondents No.3&4.

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Abdul Hamid Bhurgri, J.- The Petitioner has filed the instant petition claiming ownership and possession of Shop No. G-1, situated on the Ground Floor of Bagsira Terrace, measuring 108 square feet, located at Plot No. 305, Garden West, Karachi, purportedly on the basis of a General Power of Attorney executed in his favour by one Mst. Dilshad Saleem. The Petitioner alleges that the shop was sealed by Respondent No.4 without due notice and in violation of his fundamental rights.

2. Respondents No. 3 and 4 have filed comments wherein they have denied the title of the Petitioner and of Mst. Dilshad Saleem. It has been brought on record that the subject premises forms part of Property No. GRW-305, which has been declared Evacuee Trust Property by the competent authority vide order dated 26.04.2008, passed by the Chairman, Evacuee Trust Property Board (ETPB). Said order was upheld by the Revisional Authority in March, 2023, and the purported Permanent Transfer Deed (PTD) along with all subsequent transactions-including the one under which the petitioner claims interest-have been declared void.

3. We have heard learned counsel for the respective parties and considered the material placed before the court.

4. Learned counsel for the Petitioner could not produce any valid title document in his favour. A General Power of Attorney does

not create or transfer ownership rights in immovable property under law. Moreover, the person claimed to be the previous owner has not come forward to assert her right, nor has she challenged the ETPB orders. The same have also not been assailed by the present petitioner, even if for the sake of argument it were assumed that he has the capacity to do so. The actions of Respondents are backed by directions of the Honourable Supreme Court of Pakistan in CMA No.4821/2018, wherein the Evacuee Trust Property Board was directed to retrieve all illegally occupied trust properties and restore them accordingly. The record reveals that the impugned sealing action was carried out pursuant to such directives, and that the Petitioner was also served with notice dated 24.04.2024.

5. It is a settled principle that a person must demonstrate a legal right or injury to a legal right in order to maintain a petition under Article 199 of the Constitution. In the present case, the Petitioner has failed to establish any enforceable legal right or title in the subject property and therefore lacks locus standi. Consequently, he cannot be treated as an "aggrieved person" within the contemplation of article 199 of the Constitution of Islamic Republic of Pakistan 1973. Furthermore, the application moved by the Intervener seeking impleadment as a party on the basis of tenancy under the Petitioner is also not maintainable, as the Petitioner himself has failed to establish any lawful authority or interest in the subject property. Accordingly, the petition, being devoid of merit, is dismissed. All pending applications, including the one filed by the Intervener, stand dismissed as well.

JUDGE

JUDGE

Ayaz Gul